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SUBJECT: NEW BIOTECH DEVELOPMENTS - FRANCE

REF: (A) 2006 PARIS 7639; (B) 2006 PARIS 7802;
(C) PARIS 515

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¶1. Summary: Biotech issues continue to make headlines in France. An anti-biotech lobby reported on health risks associated with MON863 biotech corn, while the President and Director of Greenpeace France were charged with an ?incentive or direct provocation of GMO destruction? in a lawsuit. For 2007, the Ministry of Agriculture (MinAg) authorized 13 biotech products for open field testing; published new regulations transposing the EU Directive 2001/18 (relative to biotech authorization), adopted biotech and non-biotech coexistence measures and created a requirement that biotech farmers register crop locations to provide transparency in biotech production. French farmers are expected to increase biotech corn planting from 5,200 hectares in 2006 to 30,000 to 50,000 hectares this year, despite activists? threats. End summary.

Anti-Biotech Lobby Allege MON863 Health Risks

¶2. On March 13, the anti-biotech lobby CRII-GEN held a press conference to present the findings of a Greenpeace funded study which concluded that MON863 was not safe for consumption due to toxicity on kidneys and liver. CRIIGEN asked for additional research from the European Food Safety Agency (EFSA) on MON863, and an immediate ban of GM corn MON863. According to ?EU Food Law Weekly,? (March 23, 2007), EFSA was to have discussed the study during its March 22-23 meeting, but did not invite its author to present his results to the GMO panel.

¶3. The CRII-GEN study reinterpreted the

toxicological survey conducted by Monsanto on MON863. The French authority for biotech approval (Biomolecular Engineering Committee, or ?Commission du Genie Biomoleculaire? in French, or CGB) reviewed the Monsanto data and approved the product.

14. The CRII-GEN allegations received wide press coverage in France. Le Figaro, a well-known French daily newspaper, published an article on CRII-GEN's assertions on March 15, translated as follows:

Begin informal translation: New Controversy Over the Toxicity of a Transgenic Corn.

Gerard Pascal is 'exasperated' with the new attack launched on Tuesday by two anti-biotech organizations, Greenpeace and the CRII-GEN, against Monsanto's transgenic corn MON863, suspected damaging liver and kidneys in rats.

Contacted by Le Figaro, this highly regarded toxicologist, a member of the Biomolecular Engineering Committee (note: in French 'Commission du Genie Biomoleculaire,' or CGB, is the French competent authority for approving biotech products) regrets finding himself involuntarily at the origin of the concern. ' If I had not said anything, in other words, if I had not scrupulously done my job of expert, no-one would have ever known and especially not those who aim to manipulate this issue launching another press campaign,' he bitterly divulged.

Thus, Gerard Pascal is the one who, as early as

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October 2003, discovered some 'anomalies' in the weight of the kidneys, the level of white blood cells and the glycaemia of rats fed on the corn in question. However, the counter-research conducted by the CGB indicated one year later that these differences are considered within the natural variability range and are not related to the consumption of this biotech product authorized since then for human consumption in Europe.

In an article published in a little-known scientific journal, the biologist Gilles-Eric Seralini, scientific director of CRII-GEN, strikes again stating that 'MON863 is not a safe product.' After obtaining the raw data of the research, and implementing a new statistical appraisal of this data, he suggests that the liver-kidney anomalies are of a hormonal origin. But he is careful not to prove anything?

'This is simply a way to hide the absence of correlation between the ingested dose and the biological effects induced. These results are therefore not significant, says Gerard Pascal. Gilles-Eric Seralini probably wants to reinvent toxicology by himself while he is not a toxicologist!?' End informal translation.

Greenpeace Demonstrates and is Charged by a Court

15. On March 14, the President and the Director of Greenpeace France were charged for 'incentive or direct provocation for committing a crime or an offence, here the destruction of a biotech field.' The complaints were filed last July by two biotech corn producers whose biotech field locations were published on the Greenpeace

website. Their crops were subsequently destroyed by activists. The public prosecutor now has three months to decide to prosecute the cases.

¶16. On March 15, Greenpeace unloaded several tons of so-called biotech corn in front of the headquarters of the conservative presidential candidate Nicolas Sarkozy to highlight the fact that he is the only one of three leading presidential contenders who does not support a moratorium on all biotech activities beyond confined environments.

New French Biotech Regulation

¶17. On March 19, the MinAg authorized 13 biotech open field trials (12 corn products and 1 tobacco) for 2007 and rejected one request for a potato trial. There were fewer products authorized this year but the authorizations came earlier than in 2006, when 17 products were approved in May. For more information on the dossiers approved, see:
<http://www.ogm.gouv.fr/experimentations/decisions/decisions.htm>.

¶18. On March 20, the French Official Journal (Federal Register equivalent) published the decrees (2007-358 and 2007-359) transposing EU Directive 2001/18 (EU framework on the release of biotech products for both experimentation and commercialization) into French law. France thus avoids paying heavy penalties for failure to transpose in a timely manner. The decrees are supplemented by two 'arretes' (complementary documents) relative to environmental dissemination and commercialization of biotech

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products as well as information gathering on biotech crop cultivation.

¶19. Also on March 20, the MinAg created a public register to identify the number of farms and acreage of biotech plots present in each canton (administrative group of cities and villages). This list will be available at the GOF's inter-ministerial website on biotech at:
<http://www.ogm.gouv.fr>. Farmers were pleased that the government retreated from a position requiring more specific biotech crop location information, which would have made them more vulnerable to anti-GMO attacks.

¶10. The MinAg further published coexistence recommendations for biotech crops, including 50-meter buffer zones and obligatory notice to neighboring farmers of biotech cultivation. The Government will monitor farmer compliance, but the recommendation on buffer zones cannot be enforced without legislative approval.

EU Action Impacts French Biotech Bans

¶11. (SBU) Despite the WTO ruling that France's national bans on biotech rapeseed were inconsistent with the WTO, France subsequently voted to renew its ban on these products through April 18, 2007 (ref A). Interestingly, the EU Commission and Member States recently voted to withdraw approval for five biotech products, including the two rapeseed products banned in France. Consequently, France will be in conformity with the WTO when its ban expires on April 18. In addition, EU authorities decided to authorize 0.9 percent adventitious presence of

these products for the next five years. This decision means an increased tolerance in France from zero to 0.9 percent of the two banned rapeseed products, starting on April 18.

¶12. Comment: Despite interruptions orchestrated by anti-biotech lobbies, the GOF continues its actions regulating biotech research and commercial production. The recent French decrees published in the Official Journal bring France into conformity with the EU legislation (ref B). In addition, France's biotech rapeseed bans will be irrelevant once these same products are no longer approved at the EU level. While the government's biotech crop registry provides additional transparency for consumers, it does not contain details about farmer's fields that would make them vulnerable to attacks by anti-GMO activists (ref C). Farmers now benefit by coexistence measures in place before the planting season and can hopefully use these new measures to maximize potential this year for planting 30,000 to 50,000 hectares of biotech corn, up from 5,200 hectares in 2006. End comment.

Stapleton